

DISCUSSION PAPER

IMPROVING THE DOG ACT



Northwest
Territories Municipal and Community Affairs

May, 2009

INTRODUCTION

The Department of Municipal and Community Affairs (MACA) recognizes that there are problems with the *Dog Act*. The *Dog Act* does not clearly explain unacceptable treatment of dogs (offences), and the penalties do not serve as a deterrent against the inhumane treatment of dogs.

This paper does not deal with the broader issue of animal protection legislation. The Department of Justice is working with the Department of Environment and Natural Resources and MACA on developing options related to new animal protection legislation. The process for creating new animal protection legislation will take some time. It is important for the GNWT to ensure that it has conducted the proper research and consultations that are necessary before introducing any new legislation. In the meantime, MACA will go forward with amendments to address the need for immediate changes to the *Dog Act*.

This paper examines issues in the *Dog Act* that need clarification, including the range of penalties available to courts for sentencing offenders. The paper is intended to focus discussion about this important subject, and seek the views of the public about the changes that MACA needs to make to the *Dog Act*. As noted above, this paper is not meant to address some of the larger issues relating to comprehensive animal protection legislation.

SCOPE OF THE PROBLEM

Over the past few years, there have been several incidents involving allegations of cruelty and neglect of dogs. A recent incident resulted in the arrest and charging under section 446 of the *Criminal Code* of a person for causing unnecessary suffering to an animal. The Crown Counsel "stayed" the charges because there was no reasonable likelihood of conviction.

We don't know how widespread the problem of dog abuse is in the Northwest Territories (NWT) because there is no centralized reporting of cases. For example, municipalities that have bylaws dealing with the inhumane treatment of dogs or other matters associated with dogs, such as dogs running at large, may or may not keep statistics about those incidents.

LEGISLATIVE ARRANGEMENTS

The federal *Criminal Code*, the criminal law that applies throughout Canada, has two sections that deal with cruelty to animals that apply to dogs. (Please refer to Appendix 1 which contains these provisions of the *Criminal Code*.)

The process for obtaining a conviction for animal cruelty under the *Criminal Code* is different than the process for obtaining a conviction under regulatory legislation (sometimes referred to as "quasi-criminal" legislation), such as the *Dog Act*. In a criminal prosecution, the Crown must prove, beyond a reasonable doubt, that in addition to the act, the accused had the requisite intent. The process in regulatory legislation is different - the prosecution must still prove the offence occurred beyond a reasonable doubt, but the prosecution does not have to prove that the person intended the harm. Instead, the accused may put forward a defence that he or she took reasonable care.

The Judge then decides on a balance of probabilities whether those actions met the standard of reasonable care.

In a criminal case, it is often difficult for the Crown to prove that the accused had the requisite intent. Since the standard in regulatory matters is different, the preferred option for prosecution is to proceed with a regulatory offence, that is, a charge under the provincial or territorial animal protection legislation, or under a municipal bylaw.

THE DOG ACT

The *Dog Act* seems to have been designed mainly to safeguard the public from runaway dog teams, dogs roaming in packs, and dangerous dogs.¹ The *Act* does not deal with issues associated with breeding practices or the keeping of kennels for commercial gain, and does not clearly set out standards of care. No substantive amendments appear to have been made to the *Dog Act* since it was first passed in 1974.² Arguably, the *Dog Act's* primary purpose was protection of the public from dogs, not the welfare of the animals.

¹ See *R. v. Baird (N.W.T. S.C.)* [1994] N.W.T.J. No. 37, where the late Mr. Justice de Weerdts stated, at paragraph 4 of his Memorandum that accompanies the judgment, "... The enactment of the *Dog Act* by the legislature is plainly intended to ensure that proper control over dogs is exercised by their owners and keepers. ..." This is the only reported law case concerning the *Dog Act*.

² There were minor amendments in 2008 that amended and consolidated the old Prohibition on Running at Large Regulations with the *Dog Act*.

The offence provisions are found at sections 3 and 4:

3. No owner shall allow a dog to remain unfed or unwatered sufficiently long
 - (a) to amount to cruelty; or
 - (b) to cause the dog to become a nuisance.
4. No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.

These provisions are geared to what were likely common notions of neglect and cruelty for working sled dogs of the day.

Section 13 deals with offences and punishment:

13. (1) Every person who contravenes this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$25 or to imprisonment for a term not exceeding 30 days.
- (2) The presiding territorial judge or justice of the peace may, on conviction of an owner for an offence under this Act, order the destruction of any dog of that owner that the judge or justice considers should be destroyed for humane reasons or for the safety of the general public.

The maximum fine of \$25 was likely a significant sum at a time (1974) when the "wage economy" did not exist for most NWT residents.

THE ROLE OF MUNICIPAL LEGISLATION

The *Cities, Towns and Villages Act* and associated municipal legislation (the *Charter Communities Act*, the *Hamlets Act*, and the *Tlicho Community Government Act*) give municipal corporations the authority to make bylaws concerning "domestic and feral

animals and activities in relation to them..."³ Municipalities may, therefore, create bylaws concerning the conditions under which dogs are kept, including commercial kennels. Such bylaws are enforced by the municipality through the provisions in the bylaw. For example, in Yellowknife, the maximum penalty for an offence is a fine of \$2,000 for an individual and \$10,000 for a corporation.⁴

It may be helpful to clarify in the *Dog Act* that municipalities may pass bylaws and appoint their own enforcement officers to enforce the bylaw, using improved penalties available through the *Dog Act*.

The reason that some municipalities do not create bylaws to deal with dogs may be that it is difficult to enforce such bylaws without "enforcement programs, policies, staffing and funding."⁵ In the NWT, that may mean that communities need to be of sufficient size and capacity to hire and keep full or part-time trained bylaw officers. Since many NWT communities do not have the size and capacity to enact and enforce dog bylaws, the GNWT needs to ensure that provisions in the *Dog Act* are strong enough to discourage people from mistreating dogs.

CLARIFYING THE *DOG ACT*

As noted above, the *Dog Act* is not conceptually based on the notion of animal welfare; instead it is focused on the protection of the public from dogs. Changing the focus of the law to reflect concern for the welfare of dogs at least equal to the concern for the

³ *Cities, Towns and Villages Act*, S.N.W.T. 2003, c. 22, at s. 70(1)(i).

⁴ City of Yellowknife Dog Bylaw No. 3710 as amended.

⁵ See Kilpatrick, Ken, D.V.M., LL.B., *Animal Protection Act*, Review of the Yukon legislation, September 2007, prepared for the Yukon Government Community Services Department.

welfare of people requires additional amendments to clarify the conditions that prompt charges. For example, the current *Act* does not define what is meant by "cruelty," "nuisance," or "unnecessary suffering". These concepts are vague and, because there are no definitions, make it difficult for a court to decide whether the alleged offence occurred.

By contrast, Alberta's *Animal Protection Act*⁶ uses the term "distress":

... an animal is in distress if it is

- (a) deprived of adequate shelter, ventilation, space, foods, water or veterinary care or reasonable protection from injuries heat or cold,
- (b) injured, sick, in pain or suffering, or
- (c) abused or subjected to undue hardship, privation or neglect.⁷

The Alberta statute also sets out the duties and obligations of persons who own or are in charge of an animal, making owners responsible for providing adequate food and water, adequate care when the animal is wounded or ill, reasonable protection from injurious heat or cold, and adequate shelter, ventilation and space. There are similar provisions in animal welfare legislation in British Columbia, Saskatchewan, Quebec, and Newfoundland and Labrador⁸.

⁶ *Animal Protection Act*, R.S.A. 2000, c. A-41.

⁷ *Ibid.*, at s. 1(2).

⁸ *Ibid.*, at s. 2.1. See also: British Columbia's *Prevention of Cruelty to Animals Act*, R.S.B.C. 1996, Ch. 372, ss. 1(2) and (3); Saskatchewan's *Animal Protection Act*, 199, S.S. 1999, c. A-21.1, at s. 2(2) and 2(3); Manitoba's *Animal Care Act*, C.C.S.M. c. A84, at s. 6; Ontario's *Ontario Society for the Prevention of Cruelty to Animals Act* at s. 1 and amendments (not yet proclaimed) contained in Bill 50, An Act to amend the Ontario Society for the *Prevention of Cruelty to Animals Act* at s. 1; Quebec's *Animal Health Protection Act*, R.S.Q. c. P-42, at Division IV.1.1, ss. 55.9.1 through 55.9.3; and Newfoundland and Labrador's *Animal Protection Act*, R.S.N.L. 1990, c. A-10, at ss. 2(b).

The Yukon's *Dog Act* is similar to the NWT in that it is aimed at the protection of the public from dogs, rather than the welfare of dogs, but the Yukon also has the *Animal Protection Act*,⁹ that deals with the welfare of animals generally.

SENTENCING OPTIONS

The *Dog Act* limits sentencing options to fines or imprisonment. Some jurisdictions have additional options for sentencing, including the ability for a Judge to ban an offender from owning or controlling animals, Court orders so that enforcement staff can check without warrant or notice to the offender on the conditions of animals, and orders banning offenders from owning or controlling dogs. MACA is reviewing these kinds of options with a view to including as many options as possible for Judges to consider, in sentencing offenders.

The *Dog Act* sets the maximum fine at \$25 or a term of imprisonment of 30 days. These maximum sentences are far below those in other jurisdictions. The table below sets out the range of fines across Canada for either the mistreatment of dogs or the mistreatment of non-agricultural animals generally. The amounts stated are the maximum for the offence in each jurisdiction. Some jurisdictions have minimum fines as well, and they are not included below, because those statutes are very old and it is unlikely that minimum fines are enforceable.

⁹ *Animal Protection Act*, R.S.Y. 2002, c. 6.

Amount	Jurisdiction
\$25	Northwest Territories and Nunavut
\$200	Newfoundland (1st offence)
\$500	Yukon
\$570	New Brunswick (1st offence)
\$1,070	New Brunswick (2nd and subsequent offences)
\$2,000	Prince Edward Island
\$5,000	Saskatchewan Manitoba Nova Scotia British Columbia (1st offence)
\$10,000	Saskatchewan Manitoba Nova Scotia British Columbia (2nd and subsequent offences)
\$20,000	Alberta
\$60,000	Ontario (Bill 50)

PROPOSED AMENDMENTS TO THE *DOG ACT*

The Department of Municipal and Community Affairs is considering several amendments to improve the *Dog Act*.

1. Amendments to clarify the conditions that are unacceptable for dogs. These should take into account northern conditions, for example, the lack of availability of veterinary care outside of Yellowknife. An owner who, with the intention of minimizing suffering, carefully shoots a badly injured dog on the trail, far away from veterinary care, should not be subject to regulatory sanction;

2. Expanding the ability of enforcement officers to seize dogs that are in distress and to check on animals owned by persons convicted of an offence, without warrant; and
3. Increasing the range of available sentencing options.

MACA is considering amending the maximum fine for offences in the *Dog Act* to \$5,000 and in default three months in jail for a first offence, and a maximum fine of \$10,000 and in default six months in jail for second and subsequent offences, and that each day of a continuing offence be treated as a separate offence. These penalties would bring the NWT into line with the majority of other jurisdictions in Canada, namely, Saskatchewan, Manitoba, Nova Scotia, and British Columbia.

COMMENTS? SUGGESTIONS?

What do you think about these proposed amendments? Please send your comments and suggestions, by July 10, 2009, to:

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Thank you for considering these issues.

APPENDIX 1

Criminal Code

PART XI: WILFUL AND FORBIDDEN ACTS IN RESPECT OF CERTAIN PROPERTY

Cruelty to Animals

Causing
unnecessary
suffering

446. (1) Every one commits an offence who

(a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or a bird;

(b) by wilful neglect causes damage or injury to animals or birds while they are being driven or conveyed;

(c) being the owner or the person having the custody or control of a domestic animal or a bird or an animal or a bird wild by nature that is in captivity, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it;

(d) in any manner encourages, aids or assists at the fighting or baiting of animals or birds;

(e) wilfully, without reasonable excuse, administers a poisonous or an injurious drug or substance to a domestic animal or bird or an animal or a bird wild by nature that is kept in captivity or, being the owner of such an animal or a bird, wilfully permits a poisonous or an injurious drug or substance to be administered to it;

(f) promotes, arranges, conducts, assists in, receives money for or takes part in any meeting, competition, exhibition, pastime, practice, display or event at or in the course of which captive birds are liberated by hand, trap, contrivance or any other means for the purpose of being shot when they are liberated; or

(g) being the owner, occupier or person in charge of any premises, permits the premises or any part thereof to be used for a purpose mentioned in paragraph (f).

Punishment

(2) Every one who commits an offence under subsection (1) is guilty of an offence punishable on summary conviction.

Failure to exercise
reasonable care as
evidence

(3) For the purposes of proceedings under paragraph (1)(a) or (b), evidence that a person failed to exercise reasonable care or supervision of an animal or a bird thereby causing it pain, suffering, damage or injury is, in the absence of any evidence to the contrary, proof that the pain, suffering, damage or injury was caused or was permitted to be caused wilfully or was caused by wilful neglect, as the case may be.

Presence at baiting
as evidence

(4) For the purpose of proceedings under paragraph (1)(d), evidence that an accused was present at the fighting or baiting of animals or birds is, in the absence of any evidence to the contrary, proof that he encouraged, aided or assisted at the fighting or baiting.

Order of prohibition (5) Where an accused is convicted of an offence under subsection (1), the court may, in addition to any other sentence that may be imposed for the offence, make an order prohibiting the accused from owning or having the custody or control of an animal or a bird during any period not exceeding two years.

Breach of order (6) Every one who owns or has the custody or control of an animal or a bird while he is prohibited from doing so by reason of an order made under subsection (5) is guilty of an offence punishable on summary conviction.

R.S., c. C-34, s. 402; 1974-75-76, c. 93, s. 35.

APPENDIX 2

DOG ACT

R.S.N.W.T. 1988,c.D-7

LOI SUR LES CHIENS

L.R.T.N.-O. 1988, ch. D-7

INCLUDING AMENDMENTS MADE BY

S.N.W.T. 2008,c.8

MODIFIÉE PAR

L.T.N.-O. 2008, ch. 8

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<http://www.justice.gov.nt.ca/Legislation/SearchLeg&Reg.htm>

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DOG ACT

INTERPRETATION

Definitions

1. (1) In this Act,

"dog" includes male and female dogs and an animal that is a cross between a dog and a wolf; (*chien*)

"muzzle" means to secure the mouth of a dog in such a fashion that it cannot bite anything; (*museler*)

"officer" means a person appointed or authorized to be an officer under section 2; (*agent*)

"owner" means a person who owns, harbours, possesses or has control or custody of a dog. (*propriétaire*)

Running at large

- (2) For the purposes of this Act, a dog is running at large if it is off the premises of its owner and is not
- (a) muzzled; or
 - (b) under the physical control of a person.

OFFICERS

Appointment of officers

2. (1) The Commissioner may appoint persons to be officers for the purpose of carrying out the provisions of this Act.

R.C.M.P.

- (2) Members of the Royal Canadian Mounted Police are, by virtue of that office, officers under this Act. S.N.W.T. 2008,c.8,s.7(2).

PROHIBITIONS

Food and water

3. No owner shall allow a dog to remain unfed or unwatered sufficiently long
- (a) to amount to cruelty; or
 - (b) to cause the dog to become a nuisance.

Punishment and abuse

4. No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.

Running at large

5. No owner shall permit a dog to run at large
- (a) contrary to a municipal bylaw;
 - (b) within a Territorial Park; or
 - (c) in an area that is not within a municipality or a Territorial Park.
- S.N.W.T. 2008,c.8,s.7(3).

Dogs in harness

6. (1) No person shall leave a dog in harness within a settlement or within one kilometre of a settlement unless the dog is

LOI SUR LES CHIENS

DÉFINITIONS

1. (1) Les définitions qui suivent s'appliquent à la présente loi. Définitions

«agent» Personne ainsi nommée ou habilitée à l'être en vertu de l'article 2. (*officer*)

«chien» Les chiens mâles ou femelles et les animaux issus d'un croisement entre un chien et un loup. (*dog*)

«museler» Emprisonner le museau d'un chien pour l'empêcher de mordre. (*muzzle*)

«propriétaire» Le propriétaire d'un chien ou celui qui l'héberge ou qui en a la possession, la surveillance ou la garde. (*owner*)

- (2) Pour l'application de la présente loi, est errant le chien qui n'est pas sur les lieux de son propriétaire et qui n'est :
- a) ni muselé;
 - b) ni sous la surveillance physique d'une personne.

AGENTS

2. (1) Le commissaire peut nommer des agents chargés de l'application de la présente loi. Nomination d'agents

- (2) Les membres de la Gendarmerie royale du Canada sont d'office agents au sens de la présente loi. G.R.C.

INTERDICTIONS

3. Il est interdit à un propriétaire de laisser un chien sans nourriture ou sans eau suffisamment longtemps pour qu'un tel traitement :
- a) équivaille à de la cruauté;
 - b) incite le chien à devenir une nuisance.

4. Il est interdit de punir un chien de façon cruelle ou inutile ou de le maltraiter. Punition et mauvais traitement

5. Il est interdit à un propriétaire de laisser errer son chien :
- a) en violation d'un règlement municipal;
 - b) à l'intérieur d'un parc territorial;
 - c) à l'intérieur d'une région située à l'extérieur d'une municipalité ou d'un parc territorial.
- L.T.N.-O. 2008, ch. 8, art. 7(3).

6. (1) Il est interdit de laisser un chien attelé dans une localité ou dans un rayon d'un kilomètre d'une localité, à moins que l'une ou l'autre des conditions

- (a) muzzled; or
- (b) under the custody and physical control of a person over 16 years of age who is capable of ensuring that the dog will not harm the public or create a nuisance.

suivantes ne soit remplie :

- a) le chien est muselé;
- b) il est sous la garde et la surveillance physique d'une personne de plus de 16 ans qui est capable de s'assurer que le chien ne causera pas de dommage au public ou ne sera pas une nuisance.

Driving dogs on sidewalk

(2) No person shall drive a dog or dog team on a sidewalk situated on the street or road of a settlement.

(2) Il est interdit de faire circuler un chien ou un attelage de chiens sur le trottoir d'une rue ou d'un chemin situé dans une localité.

Interdiction

SEIZURE

Seizure

7. (1) An officer may seize a dog from a person whom the officer

- (a) finds contravening this Act; or
- (b) has good cause to suspect of having contravened or being about to contravene this Act.

7. (1) L'agent peut saisir le chien d'une personne dans l'un ou l'autre des cas suivants :

- a) il la trouve en train d'enfreindre la présente loi;
- b) il a des motifs valables de soupçonner qu'elle a enfreint ou est sur le point d'enfreindre la présente loi.

Saisie

Recovery by owner

(2) Subject to subsection (6), an officer who has seized a dog under subsection (1) may, in the officer's discretion, restore possession of the dog to its owner where

- (a) the owner claims possession of the dog within five days after the date of seizure; and
- (b) the owner pays to the officer all expenses incurred in securing, caring for and feeding the dog.

(2) Sous réserve du paragraphe (6), l'agent qui a saisi le chien en vertu du paragraphe (1) peut, à sa discrétion, le remettre à son propriétaire, si celui-ci :

- a) en réclame la possession dans les cinq jours de la saisie;
- b) paie à l'agent toutes les dépenses occasionnées par la mise à l'abri et par la procuration de soins et d'aliments au chien.

Remise

Sale by public auction

(3) Where, at the end of five days, possession of a dog has not been restored to the owner under subsection (2), the officer may sell the dog at public auction.

(3) Si après cinq jours, le propriétaire n'a pas repris possession du chien en conformité avec le paragraphe (2), l'agent peut vendre le chien aux enchères.

Vente aux enchères

Distribution of proceeds

(4) The proceeds of a sale of a dog by public auction shall be distributed as follows:

- (a) all expenses incurred in securing, caring for and feeding the dog shall be paid to the officer;
- (b) the expenses of the public auction shall be paid;
- (c) any balance shall be paid to the owner or, if the owner cannot be found within a reasonable period of time after the sale, shall be paid into the Consolidated Revenue Fund.

(4) Le produit de la vente du chien aux enchères est réparti de la façon suivante :

- a) toutes les dépenses occasionnées par la mise à l'abri, et par la procuration de soins et d'aliments au chien sont payées à l'agent;
- b) les dépenses occasionnées par la vente aux enchères sont payées;
- c) le solde est payé au propriétaire ou, si le propriétaire ne peut être retrouvé dans un délai raisonnable après la vente, au Trésor.

Produit

Dog not sold

(5) Where

- (a) a dog has not been claimed within five days after seizure under subsection (2), and
- (b) no bid has been received at a sale by public auction,

the officer may destroy or dispose of the dog as the officer sees fit at any time after the auction and no damages or compensation may be recovered on

(5) Selon qu'il le juge à propos, l'agent peut à tout moment après une vente aux enchères, abattre le chien ou s'en débarrasser, si :

- a) personne ne l'a réclamé dans les cinq jours de la saisie effectuée en vertu du paragraphe (2);
- b) aucune offre n'a été faite lors de la vente aux enchères.

Chien non vendu

Est irrecevable toute action en recouvrement de

account of its destruction or disposal by the officer.

dommages-intérêts ou d'une indemnité par suite de l'abattage du chien par l'agent.

Destruction of injured dogs

(6) Where, in the opinion of an officer, a dog seized under this section

(a) is injured, or

(b) should be destroyed without delay for humane reasons or for reasons of safety, the officer may destroy the dog as soon after seizure as the officer thinks fit without

(c) permitting any person to claim the dog, or

(d) offering it for sale by public auction, and no damages or compensation may be recovered on account of its destruction by the officer.

(6) Lorsque l'agent est d'avis que le chien saisi en vertu du présent article :

a) est blessé;

b) devrait être abattu sans délai pour des raisons humanitaires ou de sécurité, il peut abattre le chien immédiatement après la saisie, s'il le juge à propos,

c) sans permettre à quiconque de le réclamer;

d) sans le mettre en vente aux enchères publiques.

Est irrecevable toute action en recouvrement de dommages-intérêts ou d'une indemnité par suite de l'abattage du chien par l'agent.

Abattage de chiens blessés

Bylaws of municipality

(7) Where the seizure of a dog is made for contravention of a municipal bylaw respecting dogs, the provisions of the bylaw respecting the impounding, selling or destruction of dogs apply instead of the provisions of this section. S.N.W.T. 2008,c.8,s.7(4).

(7) Lorsque le chien est saisi pour infraction à un arrêté municipal concernant les chiens, les dispositions du règlement relatives à la mise en fourrière, à la vente ou à l'abattage des chiens ont préséance sur les dispositions du présent article.

Règlements municipaux

DESTRUCTION

ABATTAGE

Officer unable to seize dog

8. (1) Where an officer is unable to seize a dog that is running at large contrary to this Act, or an order, rule or regulation made under this Act, the officer may destroy the dog.

8. (1) L'agent peut abattre le chien qu'il est incapable d'attraper et qui erre en contravention de la présente loi ou d'une ordonnance, d'une règle ou d'un règlement d'application de la présente loi.

Impossibilité de saisir

No damages payable for destruction

(2) No damages or compensation may be recovered on account of the destruction of a dog by an officer under subsection (1).

(2) Est irrecevable toute action en recouvrement de dommages-intérêts ou d'une indemnité par suite de l'abattage d'un chien par un agent, effectué en vertu du paragraphe (1).

Irrecevabilité

PROTECTION FROM DOGS

PROTECTION

Destruction of dogs

9. A person may kill a dog that is running at large and in the act of pursuing, attacking, injuring, damaging, killing or destroying

(a) a person;

(b) another dog that is tethered;

(c) a food cache, harness or other equipment; or

(d) cattle, horses, sheep, pigs, poultry or animals on a fur farm.

9. Il est permis de tuer le chien errant qui est en train de poursuivre, d'attaquer, de blesser, d'endommager, de tuer ou de détruire, selon le cas :

a) une personne;

b) un autre chien en laisse;

c) une cache de provisions, un attelage ou autre équipement;

d) des bovins, des chevaux, des moutons, des porcs, de la volaille ou les animaux d'une ferme à fourrure.

Abattage de chiens

Proceedings against owner

10. (1) On complaint made on oath before a justice of the peace that an owner has a dog that has, while running at large, committed any of the acts set out in section 9, the justice may issue a summons directed to the owner of the dog requiring the owner to appear before the justice at a time and place stated in the summons to answer the complaint.

10. (1) Le juge de paix, devant qui une plainte est faite sous serment qu'un chien errant a commis un des actes prévus à l'article 9, peut assigner le propriétaire du chien à comparaître devant lui aux heures, lieux et dates indiqués dans l'assignation afin de réfuter la plainte.

Poursuites contre le propriétaire

Order

(2) On summary conviction on the evidence of one or more credible witnesses other than the complainant, the justice of the peace may make an

(2) Sur déclaration de culpabilité par procédure sommaire prononcée sur la foi du témoignage d'un ou de plusieurs témoins crédibles autres que le plaignant,

Ordonnance

order for the destruction of the dog within three days and where the dog is not destroyed pursuant to the order, the justice may, in his or her discretion, impose a fine not exceeding \$20 on the owner.

le juge de paix peut ordonner l'abattage du chien dans les trois jours. Si le chien n'est pas abattu en conformité avec l'ordonnance, le juge de paix peut, à sa discrétion, condamner le propriétaire à une amende maximale de 20 \$.

Action for damages not barred

11. No conviction or order under section 10 bars the owner of cattle, horses, sheep, pigs, poultry, animals on a fur farm, a tethered dog, a food cache, harness or other equipment from bringing an action for the recovery of damages for injury done to these animals or things by a dog.

11. La déclaration de culpabilité faite ou l'ordonnance rendue en vertu de l'article 10 n'empêchent ni le propriétaire de bovins, de chevaux, de moutons, de porcs, de volailles, d'animaux de ferme à fourrure, ni celui d'un chien en laisse, d'une cache de provisions, d'un harnais ou de tout autre équipement d'intenter une action en recouvrement de dommages-intérêts pour préjudice causé à ces animaux ou à ces choses par un chien.

Recevabilité

Nature of proof in civil action

12. It is not necessary for the plaintiff in an action referred to in section 11 to prove that the defendant knew of the propensity of the dog to pursue, worry, injure or destroy animals and the liability of the defendant does not depend on previous knowledge of that propensity.

12. Le demandeur dans l'action visée à l'article 11 n'est pas tenu de prouver que le défendeur était conscient de la tendance du chien à poursuivre, à harceler, à blesser ou à détruire des animaux, et la responsabilité du défendeur ne dépend pas de sa connaissance antérieure de cette tendance.

Nature de la preuve dans une action civile

OFFENCE AND PUNISHMENT

INFRACTION ET PEINES

Offence and punishment

13. (1) Every person who contravenes this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$25 or to imprisonment for a term not exceeding 30 days.

13. (1) Quiconque contrevient à la présente loi commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 25 \$ ou un emprisonnement maximal de 30 jours.

Infraction et peines

Destruction order

(2) The presiding territorial judge or justice of the peace may, on conviction of an owner for an offence under this Act, order the destruction of any dog of that owner that the judge or justice considers should be destroyed for humane reasons or for the safety of the general public.

(2) Sur déclaration de culpabilité du propriétaire relativement à une infraction à la présente loi, le juge territorial ou le juge de paix présidant peut, s'il l'estime indiqué, ordonner l'abattage de tout chien appartenant à ce propriétaire pour des raisons humanitaires ou pour la sécurité du public en général.

Ordonnance d'abattage

REGULATIONS AND RULES

RÈGLES ET RÈGLEMENTS

Regulations and rules

14. The Commissioner, on the recommendation of the Minister, may make regulations and rules for carrying out the purposes and provisions of this Act.

14. Sur recommandation du ministre, le commissaire peut établir les règles et prendre les règlements nécessaires à l'application de la présente loi.

Règles et règlements

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